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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/198,590
Filing Date: November 23, 1998
Appellant(s): CHANDRUPATLA ET AL.

John P. Schaub (Reg. No. 42,125)
For Appellant

EXAMINER'S ANSWER

This is in response to the Appeal Brief filed on February 25, 2008 appealing from the Office action mailed on August 14, 2007.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The statement of the status of Amendments contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of invention contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The summary of the ground of rejection to be reviewed on appeal contained in the brief is correct.

(7) Claim Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,828,737	Sawyer	10-1998
6,338,046	Saari et al.	01-2002

(9) Grounds of Rejection

The following grounds of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-13, 15, 16, 18, 23, and 36-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawyer, U.S. Patent No. 5,828,737, in view of Saari, U.S. Patent No. 6,338,046.

Regarding to claim 1, Sawyer discloses a method for accounting for network usage comprising:

obtaining accounting start-stop event data from an accounting server (column 5, lines 16-17; column 6, lines 45-47; figure 4; call start, call over; the processing device 42 associated with billing center 44 keeps connect/disconnect events);

obtaining network flow data independent from the accounting start-stop event data from a router within a network through an intermediary netflow collector, the network flow data including data regarding the number and type of packets utilized by user (column 3, lines 60-65; column 4, lines 51-67; the bandwidth data (i.e., amount of data packets transferred over the network) is collected by the a bandwidth use monitoring device (BUMD) 40); and

correlating the accounting start-stop event data and the network flow data into a subscriber specific call detail record unique to the user by matching the accounting star-stop event data associated with the user with the network flow data associated with the user (column 4, line 59-column 5, line 55; the proper connect/disconnect information is combined with its bandwidth information to determine a charging amount to be billed for each call, and is sent to the billing center to generate a bill for the usage, "subscriber specific call detail record" is nothing more the user's usage record to generate the bill).

Sawyer does not disclose accounting start-stop event data is obtained from two or more accounting servers via an information bus, wherein the information bus contains the accounting start-stop event data published by the two or more accounting servers; and network flow data is obtained from two or more routers. However, Saari discloses "accounting start-stop event data is obtain from two or more accounting servers via an information bus, wherein the information bus contains the accounting start-stop event data published by the two or more accounting servers; and network flow data is obtained from two or more routers." See Saari figures 2-3, column 4, line 43-column 5, line 67 and column 6, line 50-column 7, line 25, "accounting start-stop event data is obtain from two or more accounting servers via an information bus" (two or more nodes 24a, 24b, 24c, 24d, include Timer 39 for obtaining the duration of time of the connection), "wherein the information bus contains the accounting start-stop event data published by the two or more accounting servers" (the nodes transmit the connection cost information to the network billing system 40), "network flow data is obtained from two or more routers" (the connection information 38 includes traffic parameters,

connection type, number of bytes of data transferred, etc., is obtained from two or more billing unit 34a, 34b, 34c, 34d). Moreover, Saari also discloses the accounting start-stop event data is published by the two or more accounting servers (see figures 2-3 and column 5, lines 47-55, the charging information is transmitted to the external billing system 40). It is note that the term "publish" is defines as "to make data available so that it may be read by another person or computer program" (see "The New Penguin dictionary of Computing" by Dick Pountain, "publish", submitted by the applicant). Thus, in Saari, the nodes 24a, 24b make charging information available to the external billing system 40, or the nodes 24a, 24b publish charging information to the external billing system 40). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to modify Sawyer's to adopt the teaching of Saari above, for the purpose of enabling the account information to be received, computed, and transmitted from/to multiple servers, thus allows the system to track the user's connection information when the user visits different information sources over the network.

Regarding to claim 2, Sawyer discloses wherein the obtaining accounting start-stop event data further comprises: parsing the accounting start-sop event data from the accounting server on a prescribed time interval (column 5, lines 16-17; column 6, lines 45-47; figure 4; call start, call over; the processing device 42 associated with billing center 44 keeps connect/disconnect events). Sawyer does not disclose publishing the accounting start-stop event data on an information bus Saari discloses "accounting start-stop event data is obtain from two or more accounting servers via an information

bus, wherein the information bus contains the accounting start-stop event data published by the two or more accounting servers; and network flow data is obtained from two or more routers." See Saari figures 2-3, column 4, line 43-column 5, line 67 and column 6, line 50-column 7, line 25, "accounting start-stop event data is obtain from two or more accounting servers via an information bus" (two or more nodes 24a, 24b, 24c, 24d, include Timer 39 for obtaining the duration of time of the connection), "wherein the information bus contains the accounting start-stop event data published by the two or more accounting servers" (the nodes transmit the connection cost information to the network billing system 40), "network flow data is obtained from two or more routers" (the connection information 38 includes traffic parameters, connection type, number of bytes of data transferred, etc., is obtained from two or more billing unit 34a, 34b, 34c, 34d). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to modify Sawyer's to adopt the teaching of Saari above, for the purpose of enabling the account information to be received, computed, and transmitted from/to multiple servers, thus allows the system to track the user's connection information when the user visits different information sources over the network.

Regarding to claims 3-4, Sawyer discloses wherein the obtaining accounting start-stop event data further comprises: collecting the accounting start-stop event data at a target device that subscribes to the accounting start-stop event data (column 5, lines 15-16 and column 6, lines 7-60; the connect/disconnect events is collected by the processing device 42 associated with the billing center 44).

Regarding to claim 5, Sawyer discloses wherein the obtaining network flow data further comprises: aggregating the network flow data at the intermediary netflow collector according to a service provider defined aggregation scheme (column 4, lines 50-67; the bandwidth data is collected by the BUMD 40).

Regarding to claim 6, Sawyer discloses wherein aggregating the network flow data further comprises: basing aggregation of the network flow data on a specified time period (column 6, lines 7-60).

Regarding to claims 7-8, Sawyer does not disclose basing aggregation of the network flow data on the Internet Protocol Layer 3 source address and the Internet Protocol Layer 4 destination address. However, basing aggregation of the network flow data on the Internet Protocol Layer 3 source address and the Internet Protocol Layer 4 destination address is well-known in the art of data communication using Internet Protocol. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to include the feature above with Sawyer's for the purpose of applying the measurements of bandwidth data on the Internet Protocol Layer 3 source address and the Internet Protocol Layer 4 destination address.

Regarding to claims 9 and 11, Sawyer discloses wherein the obtaining network flow data further comprises: filtering the network flow data at the network flow collector according to a service provider defined filtration scheme (column 4, lines 57-59 and column 5, lines 12-15; the measurements of bandwidth data may be made by the BUMD 40 on either or both the reverse and/or the forward portions of the communications link 18).

Regarding to claim 10, Sawyer discloses wherein the obtaining network flow data further comprises: collecting the network flow data from a router and forwarding the network flow data to the network flow collector; aggregating the network flow data according to a defined aggregation scheme; parsing the network flow data from the network flow collector (column 4, lines 51-67; the measurements of bandwidth data may be made by the BUMD 40 on either or both the reverse and/or the forward portions of the communications link 18; the BUMD 40 and processing device 42 function as a bandwidth meter 46 measuring the total amount of bandwidth used for each communication).

Regarding to claim 12, Sawyer does not disclose wherein correlating and accounting start-stop event data and the network flow data further comprises: reformatting the call detail record to meet post-correlated applications. However, reformatting the call detail record to meet a compatible software application is well-known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to include the feature above with Sawyer's for the billing purpose.

Regarding to claim 13, Sawyer discloses a method for accounting for network usage comprising:

parsing accounting start-stop event data from an accounting server on a prescribed time interval (column 5, lines 16-17; column 6, lines 45-47; figure 4; call start, call over; the processing device 42 associated with billing center 44 keeps connect/disconnect events);

collecting network flow data independent from the accounting start-stop event data from a router within a network through an intermediary netflow collector, the network flow data including data regarding the number and type of packets utilized by user (column 3, lines 61-63; column 4, lines 51-67; the bandwidth data (i.e., amount of data packets transferred over the network) is collected by the a bandwidth user monitoring device (UBMD) 40);

aggregating the network flow data according to a prescribed aggregation scheme (column 4, lines 57-60);

parsing the network flow data from the network flow collector (column 4, lines 60-67);

publishing the network flow data on an information bus (column 5, lines 10-15);

collecting the accounting start-stop event data and network flow data at a target device that subscribed to the accounting start-stop event data and the network flow data (column 5, lines 29-55; the connect/disconnect events and bandwidth data are collected by the processing device 42 associated with the billing center 44); and

correlating the accounting start-stop event data and the network flow data into a subscriber specific call detail record unique to the user by matching the accounting star-stop event data associated with the user with the network flow data associated with the user (column 4, line 59-column 5, line 55; the proper connect/disconnect information is combined with its bandwidth information to determine a charging amount to be billed for each call, and is sent to the billing center to generate a bill for the usage, “subscriber specific call detail record” is nothing more the user’s usage record to generate the bill).

Sawyer does not disclose accounting start-stop event data is obtained from two or more accounting servers via an information bus, wherein the information bus contains the accounting start-stop event data published by the two or more accounting servers; and network flow data is obtained from two or more routers, publishing the accounting start-stop event data on an information bus. However, Saari discloses "accounting start-stop event data is obtain from two or more accounting servers via an information bus, wherein the information bus contains the accounting start-stop event data published by the two or more accounting servers; and network flow data is obtained from two or more routers." See Saari figures 2-3, column 4, line 43-column 5, line 67 and column 6, line 50-column 7, line 25, "accounting start-stop event data is obtain from two or more accounting servers via an information bus" (two or more nodes 24a, 24b, 24c, 24d, include Timer 39 for obtaining the duration of time of the connection), "wherein the information bus contains the accounting start-stop event data published by the two or more accounting servers" (the nodes transmit the connection cost information to the network billing system 40), "network flow data is obtained from two or more routers" (the connection information 38 includes traffic parameters, connection type, number of bytes of data transferred, etc., is obtained from two or more billing unit 34a, 34b, 34c, 34d). Moreover, Saari also discloses the accounting start-stop event data is published by the two or more accounting servers (see figures 2-3 and column 5, lines 47-55, the charging information is transmitted to the external billing system 40). It is note that the term "publish" is defines as "to make data available so that it may be read by another person or computer program" (see "The New Penguin

dictionary of Computing" by Dick Pountain, "publish", submitted by the applicant). Thus, in Saari, the nodes 24a, 24b make charging information available to the external billing system 40, or the nodes 24a, 24b publish charging information to the external billing system 40). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to modify Sawyer's to adopt the teaching of Saari above, for the purpose of enabling the account information to be received, computed, and transmitted from/to multiple servers, thus allows the system to track the user's connection information when the user visits different information sources over the network.

Claims 15, 16, 18, 36-49 are written in means that parallel the limitations found in claims 1-13 above, therefore, are rejected by the same rationale.

Claim 23 is written in computer software that parallel the limitations found in claim 1 above, therefore, is rejected by the same rationale.

(10) Response to Argument

In response to the appellant's argument that Sawyer does not disclose "***the network flow data includes data regarding the number ant type of packets utilized by a user***", examiner submits that Sawyer discloses in column 3, lines 60-65, *"...the packet transmissions may comprise either voice or data communications. The minimum bandwidth level (Min) identified the minimum amount of bandwidth needed..."*, thus "voice or data communications" is type of packets, "amount of bandwidth" is number of packets. Therefore, Sawyer does disclose

"the network flow data includes data regarding the number ant type of packets utilized by a user."

In response to the appellant's argument that Sawyer does not disclose "***correlating the accounting start-stop event data and the network flow data into a subscriber specific call detail record unique to the user by matching the accounting start-stop event data associated with the user with the network flow data associated with the user***", examiner submits that Sawyer discloses in column 4, line 59 through column 5, line 55 that the proper connect/disconnect information is combined with its bandwidth information to determine a charging amount to be billed for each call, and is sent to the billing center to generate a bill for the usage. Examiner notes that "subscriber specific call detail record" is nothing more the user's usage record to generate the bill. Therefore, Sawyer does disclose "***correlating the accounting start-stop event data and the network flow data into a subscriber specific call detail record unique to the user by matching the accounting start-stop event data associated with the user with the network flow data associated with the user*** ."

(11) Related Proceedings Appendix

The statement of the related proceedings appendix contained in the brief is correct.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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